

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:)	
)	
WATERFRONT PLANTATION LLC,)	
AND MATT C. CALDWELL,)	DIVISION OF WATER
)	POLLUTION CONTROL
)	
RESPONDENTS)	CASE NUMBER WPC07-080
)	

**WRITTEN PETITION FOR APPEAL
OF DIRECTOR'S ORDER AND ASSESSMENT**

RESPONDENTS appeal the Director's Order and Assessment in this case and request a hearing before the Water Quality Control Board in accordance with T.C.A. § 63-3-109, § 63-3-110 and § 63-3-115. As grounds for its appeal, the Respondents would state as follows:

1) Respondents have complied with the Terms and Conditions of their NPDES Construction General Permit, TNR 131830.

2) Respondents have implemented and maintained the Best Management Practices as set forth in their Storm Water Pollution Prevention Plan (SWPPP), as amended.

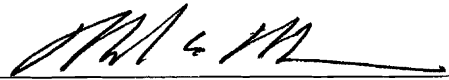
3) Respondents have maintained adequate Erosion Prevention and Sediment Control measures at the property in accordance with their SWPPP and BMP.

4) Respondents have complied with the Terms and Conditions of their Corrective Action Plans (CAP) and Aquatic Resources Alteration Permit NR 0603.009 (ARAP).

5) Any discharges of storm water from the property have been caused due to unavoidable accidents and/or unforeseen conditions or events beyond the Respondents control.

6) Respondents are continuing to investigate the matters set forth in the Director's Order and Assessment and reserve the right to amend this Petition to assert those facts and defenses developed in their investigation.

Respectfully submitted:

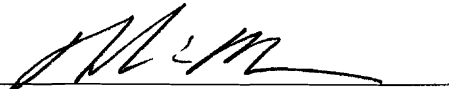


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Certificate of Service

I hereby certify that on the 24th day of July 2007, a true and correct copy of the foregoing Petition was hand-delivered and mailed, postage prepaid via United States Postal Service to:

Patrick N. Parker IV, Esquire
Assistant General Counsel
Tennessee Department of Environment and Conservation
401 Church Street
20th Floor, L&C Tower
Nashville, Tennessee 37243-1548



MARK E. MORRISON